

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 04-20038-BC  
Honorable David M. Lawson

D-1 DONALD YORK,

Defendant.

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**ORDER OF APPOINTMENT OF SECOND COUNSEL**

The defendant, Donald York, has been charged in a superseding indictment with a crime for which the authorized punishment is death. A single attorney has appeared on his behalf. Federal law entitled the defendant to appointment of two attorneys, at least one of whom shall be “learned in the law applicable to capital cases.” 18 U.S.C. § 3005. Attorney James Simmons has been represented to this Court by the Federal Defender Office of Detroit to possess such learning and experience.

Accordingly, it is **ORDERED** that James Simmons, Esquire, 1208 17<sup>th</sup> Avenue South, Nashville, Tennessee 37212, telephone number (615) 329-9122, be appointed pursuant to 18 U.S.C. § 3005 to represent defendant Donald York, in the above-referenced case at an hourly rate of \$160 per hour. See 21 U.S.C. § 851(q)(10).

It is further **ORDERED** that this appointment is subject to termination if the death penalty is not authorized by the Department of Justice.

It is further **ORDERED** that counsel for the defendant shall submit to the Court *ex parte* on or before **September 16, 2005** a proposed initial litigation budget, which should include proper support for proposed expenditures for investigative and consulting services.

It is further **ORDERED** that counsel for the defendant shall appear for an *ex parte* status conference on **Tuesday, September 20, 2005 at 2:00 p.m.** to discuss the litigation budget.

s/David M. Lawson  
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DAVID M. LAWSON  
United States District Judge

Dated: August 26, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 26, 2005.

s/Tracy A. Jacobs  
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TRACY A. JACOBS